

MINUTES OF THE REGULAR JOINT MEETING OF THE
MONTCLAIR CITY COUNCIL, SUCCESSOR AGENCY AND
MONTCLAIR HOUSING CORPORATION BOARDS,
MONTCLAIR HOUSING AUTHORITY COMMISSION, AND
MONTCLAIR COMMUNITY FOUNDATION BOARD HELD
ON MONDAY, MARCH 7, 2016, AT 7:00 P.M. IN THE
CITY COUNCIL CHAMBERS, 5111 BENITO STREET,
MONTCLAIR, CALIFORNIA

I. CALL TO ORDER

Mayor/Chairman Eaton called the meeting to order at 7:00 p.m. and asked that everyone please silence their electronic devices as a courtesy to others while the meeting is in session.

II. INVOCATION

Dhyanatma Swami, Nithyananda Vedic Temple, gave the Invocation.

III. PLEDGE OF ALLEGIANCE

Council Member Dutrey led those assembled in the Pledge.

IV. ROLL CALL

Present: Mayor/Chairman Eaton; Mayor Pro Tem/Vice Chairperson Raft; Council Members/Directors Dutrey, Ruh, and Martinez; City Manager/Executive Director Starr; Deputy City Manager/Economic Development Executive Director Staats; Community Development Director Lustro; Public Works Director Hudson; Finance Director Parker, City Attorney Robbins; Deputy City Clerk Phillips

V. PRESENTATIONS — None

VI. PUBLIC COMMENT

Pursuant to Government Code Section 54954.3, Mayor/Chairman Eaton announced that this section is intended to provide members of the public with an opportunity to address the Council on any subject that does not appear on tonight's agenda. He stated that each speaker will be afforded five minutes.

- A. Mr. Christopher Craig**, Field Representative, **Assemblymember Freddie Rodriguez's Office**, invited the City Council and members of the community to an upcoming event:

Coffee Break with – Saturday, March 12, 2016, 10:00 a.m. – Noon.
Assemblymember Montclair Senior Center
Rodriguez 5111 Benito Street, Montclair
www.asmdc.org/um

VII. PUBLIC HEARINGS

- A. Consider Adoption of Resolution No. 16-3112 Establishing Permit Fees, Appeal Fees, and Other Fees Relating to Massage Establishments and Massage Technicians and Amending the Master User Fee Schedule**

Mayor Eaton declared it the time and place set for public hearing related to Resolution No. 16-3112 establishing permit fees, appeal fees, and other fees relating to massage establishments and massage technicians and amending the Master User Fee Schedule and invited comments from the public.

There being no one in the audience wishing to speak, Mayor Eaton closed the public hearing and returned the matter to the City Council for its consideration.

Moved by Council Member Dutrey and seconded by Council Member Ruh that the City Council adopt Resolution No. 16-3112, entitled, **"A Resolution of the City Council of the City of Montclair Establishing Permit Fees, Appeal Fees, and Other Fees Relating to Massage Establishments and Massage Technicians and Amending the Master User Fee Schedule."**

Resolution No. 16-3112 was adopted by the following vote:

AYES: Martinez, Ruh, Dutrey, Raft, Eaton
NOES: None
ABSTAIN: None
ABSENT: None

VIII. CONSENT CALENDAR

Council Member/Director Dutrey requested that Items B-2 and D-4 be removed from the consent calendar for comment.

Moved by Council Member/Director Dutrey, seconded by Mayor Pro Tem/Vice Chairperson Raft, and carried unanimously to approve the remainder of the Consent Calendar, as presented:

A. Approval of Minutes

1. Minutes of the Regular Joint City Council/Successor Agency Board/MHC Board/MHA Commission/MCF Board Meeting of February 16, 2016

The City Council, City Council acting as successor to the Redevelopment Agency Board of Directors, Montclair Housing Corporation Board of Directors, Montclair Housing Authority Commissioners, and Montclair Community Foundation Board of Directors approved the minutes of the February 16, 2016 regular joint meeting.

2. Minutes of the Adjourned City Council Meeting of February 18, 2016

The City Council approved the minutes of the February 18, 2016 adjourned meeting.

B. Administrative Reports

1. Setting a Public Hearing for Monday, March 21, 2016, at 7:00 P.M. in the City Council Chambers to Consider the Following:

Adoption of Resolution No. 16-3114 Approving an Amendment to the General Plan Land Use Map for 4.60 Acres at 4975 Mission Boulevard, Modifying the Land Use Designation for the Northerly 2.30 Acres from "General Commercial" to "Medium Density Residential (8-14 Dwelling Units/Acre)," and Modifying the Land use Designation for the Southerly 2.30 Acres from "General Commercial" to "Low Density Residential (3-7 Dwelling Units/Acre)"

Adoption of Resolution No. 16-3115 Approving an Amendment to the City's Official Zoning Map for 4.60 Acres at 4975 Mission Boulevard, Modifying the Zoning Designation for the Northerly 2.30 Acres from "C-2" (Restricted Commercial) to "R-3" (Medium-High Density Residential), and Modifying the Zoning Designation for the Southerly 2.30 Acres From "C-2" (Restricted Commercial) to "R-1" (Single-Family Residential)

Approval of Tentative Tract Map No. 19926 for a Single-Lot Subdivision for a 22-Unit Residential Condominium Development, and Tentative Tract Map No. 19926-1 for a Nine-Unit Detached, Single-Family Residential Development at

4975 Mission Boulevard

The City Council set a public hearing for Monday, March 21, 2016, at 7:00 P.M. in the City Council Chambers to consider the following:

- (a) Adoption of Resolution No. 16-3114 Approving an Amendment to the General Plan Land Use Map for 4.60 Acres at 4975 Mission Boulevard, Modifying the Land Use Designation for the Northerly 2.30 Acres from "General Commercial" to "Medium Density Residential (8-14 Dwelling Units/Acre)," and Modifying the Land Use Designation for the Southerly 2.30 Acres from "General Commercial" to "Low Density Residential (3-7 Dwelling Units/Acre)."
 - (b) Adoption of Resolution No. 16-3115 Approving an Amendment to the City's Official Zoning Map for 4.60 Acres at 4975 Mission Boulevard, Modifying the Zoning Designation for the Northerly 2.30 Acres from "C-2" (Restricted Commercial) to "R-3" (Medium-High Density Residential), and Modifying the Zoning Designation for the Southerly 2.30 Acres From "C-2" (Restricted Commercial) to "R-1" (Single-Family Residential).
 - (c) Approval of Tentative Tract Map No. 19926 for a Single-Lot Subdivision for a 22-Unit Residential Condominium Development, and Tentative Tract Map No. 19926-1 for a Nine-Unit Detached, Single-Family Residential Development at 4975 Mission Boulevard.
3. **Authorizing a \$26,152 Appropriation from the Federal Asset Forfeiture Fund to Purchase X26 TASER Batteries and X26P TASER Devices and Related Accessories for Frontline Law Enforcement Use**

The City Council authorized a \$26,152 appropriation from the Federal Asset Forfeiture Fund to purchase X26 TASER batteries and X26P TASER devices and related accessories for frontline law enforcement use.

4. **Authorizing a \$12,581 Appropriation from the Public Safety Grant Fund to Purchase Mobile Data Computers for Law Enforcement Operations**

Authorizing a \$6,799 Appropriation from the Federal Asset Forfeiture Fund to Complete the Purchase of Mobile Data Computers and Associated Equipment and Software

The City Council took the following actions:

- (a) Authorized a \$12,581 appropriation from the Public Safety Grant Fund to purchase mobile data computers for law enforcement operations.
 - (b) Authorized a \$6,799 appropriation from the Federal Asset Forfeiture Fund to complete the purchase of mobile data computers and associated equipment and software.
5. **Approval of Warrant Register and Payroll Documentation**
- The City Council approved the City Warrant Register dated March 7, 2016, totaling \$2,136,552.26; and the Payroll Documentation dated February 21, 2016, amounting to \$580,616.42 gross, with \$406,726.65 net being the total cash disbursement.

C. Agreements

1. **Approval of *Agreement No. 16-19* with MIG, Inc., Amending *Agreement No. 15-82* for the Conceptual Design of Streetscape and Infrastructure Design for the North Montclair Downtown Specific Plan Project**

The City Council approved *Agreement No. 16-19* with MIG, Inc., amending *Agreement No. 15-82* for the conceptual design of streetscape and infrastructure design for the North Montclair Downtown Specific Plan Project.

2. **Approval of *Agreement No. 16-20* with the County of San Bernardino Amending and Restating a Joint Powers Agreement Creating a County-Wide Transportation Authority to be Known as Omnitrans**

The City Council approved *Agreement No. 16-20* with the County of San Bernardino amending and restating a Joint Powers Agreement creating a County-Wide Transportation Authority to be known as Omnitrans.

3. **Approval of *Agreement No. 16-22* With Van Lant & Fankhanel, LLP, to Provide Auditing Services to the Successor Agency Related to Bond Transactions.**

The Successor Agency Board of Directors approved *Agreement No. 16-22* with Van Lant & Fankhanel, LLP, to provide auditing services to the Successor Agency related to bond transactions.

4. **Ratification of *Agreement No. 15-92*, a Memorandum of Understanding Between the City of Montclair and Montclair General Employees Association**

The City Council ratified *Agreement No. 15-92*, a Memorandum of Understanding between the City of Montclair and Montclair General Employees Association.

D. Resolutions

1. **Adoption of Resolution No. 16-3113 Authorizing Placement of Liens on Certain Properties for Delinquent Sewer and Trash Charges**

The City Council adopted Resolution No. 16-3113 authorizing placement of liens on certain properties for delinquent sewer and trash charges as listed on Exhibit A of said Resolution.

2. **Adoption of Montclair Housing Authority Resolution No. 16-01 Approving and Authorizing the Execution of *Agreement No. 16-17*, a Housing Agreement by and Between the Montclair Housing Authority and the Montclair Housing Corporation**

Adoption of Montclair Housing Corporation Resolution No. 16-01 Approving and Authorizing the Execution of *Agreement No. 16-17*, a Housing Agreement by and Between the Montclair Housing Authority and the Montclair Housing Corporation

The Montclair Housing Authority Commissioners adopted Resolution No. 16-01 approving and authorizing the execution of *Agreement No. 16-17*, a Housing Agreement by and between the Montclair Housing Authority and the Montclair Housing Corporation.

The Montclair Housing Corporation Board of Directors adopted Resolution No. 16-01 approving and authorizing execution of *Agreement No. 16-17*, a Housing Agreement by and between the Montclair Housing Authority and the Montclair Housing Corporation.

3. **Adoption of Resolution No. 16-3116 Approving and Authorizing the Execution of *Agreement No. 16-21*, a Cooperation Agreement by and Between the City of Montclair and the Montclair Housing Authority**

Adoption of Montclair Housing Authority Resolution No. 16-02 Approving and Authorizing the Execution of *Agreement No. 16-21*, a Cooperation Agreement by and Between the City of Montclair and the Montclair Housing Authority

The City Council adopted Resolution No. 16-3116 approving and authorizing the execution of *Agreement No. 16-21*, a Cooperation Agreement by and between the City of Montclair and the Montclair Housing Authority.

The Montclair Housing Authority Commissioners adopted Resolution No. 16-02 approving and authorizing the execution of *Agreement No. 16-21*, a Cooperation Agreement by and between the City of Montclair and the Montclair Housing Authority.

IX. PULLED CONSENT CALENDAR ITEMS

B. Administrative Reports

2. **Amending the Fiscal Years 2015-2020 Capital Improvement Program, Adding the Zone 3, Eastern Montclair Street Rehabilitation Project**

Authorizing an Appropriation of \$1,500,000 from 2014 Lease Revenue Bond Proceeds for Costs Related to the Zone 3, Eastern Montclair Street Rehabilitation Project

Authorizing Staff to Advertise for Bid Proposals for the Zone 3, Eastern Montclair Street Rehabilitation Project

Council Member Dutrey asked if \$1.5 million is the correct estimate for rehabilitating the streets in this area, which to his knowledge is around Central and Benson Avenues.

Public Works Director Hudson concurred, noting the area is around two times larger than the previous two areas on the east side of the City.

Council Member Dutrey asked how zones would be prioritized for rehabilitation going forward.

Public Works Director Hudson advised staff has completed the northwest and northeast areas of the City and is now moving down the east side of the City. He stated the City does have a pavement management plan that assesses the most cost-effective areas to service; however, staff has been trying to focus rehabilitation efforts in specific areas rather than jumping from place to place. He noted staff will use separate funds to perform repairs on arterials and collector streets as needed. He stated Central Avenue would have the highest priority, with second-highest being San Bernardino Street.

Moved by Council Member Ruh, seconded by Council Member Dutrey, and carried unanimously that the City Council take the following actions:

- (a) Amend the Fiscal Years 2015-2020 Capital Improvement Program, adding the Zone 3, Eastern Montclair Street Rehabilitation Project.
- (b) Authorize an appropriation of \$1,500,000 from 2014 Lease Revenue Bond Proceeds for costs related to the Zone 3, Eastern Montclair Street Rehabilitation Project.

- (c) Authorize staff to advertise for bid proposals for the Zone 3, Eastern Montclair Street Rehabilitation Project.

D. Resolutions

4. Adoption of Successor Agency Resolution No. 16-02 Recommending a Proposal by Bill Fox for Purchase and Development of the Successor Agency-Owned Property Located in the Southeast Quadrant of Ramona Avenue and State Street

Director Dutrey emphasized his concerns related to ensuring the site is ultimately developed with nice landscaping and an attractive building design, noting he just wanted staff to know these concerns going into negotiations with the prospective buyer/developer.

Moved by Director Dutrey, seconded by Vice Chairperson Raft, and carried unanimously that the Successor Agency Board of Directors adopt Resolution No. 16-02 recommending a proposal by Bill Fox for purchase and development of the Successor Agency-owned property located in the southeast quadrant of Ramona Avenue and State Street.

X. RESPONSE - None

XI. COMMUNICATIONS

A. City Department Reports

1. Finance Department

- a. Financial Audit Report** - Finance Director Parker noted that the City's annual financial audit produced reports with no findings or comments, indicating a "clean bill of financial health."

Council Member/Director Dutrey requested clarification regarding the statement of revenues for the Montclair Housing Corporation (MHC) indicating negative balances.

Finance Director Parker noted the negative balance indicates a debt to the Montclair Housing Authority (MHA), which is essentially the same entity and which the City Council acting as Commission and Board of Directors of the MHA and MHC, respectively, took action to clean up tonight by approving *Agreement No. 16-17* between the MHA and MHC via resolutions. He noted the agreement eliminates the debt between those entities.

Council Member/Director Dutrey asked what the other governmental funds represent, showing an excess of \$2 million in expenditures over revenues.

Finance Director Parker noted that other governmental funds are an aggregate of smaller unsubstantial funds including grants, and a negative balance is not uncommon for this type of fund.

Council Member/Director Dutrey thanked Finance Director Parker for the clarification.

2. Human Services Department

- a. Park and Field Availability for Sport Activities**

Human Services Director Richter advised that there are six fields available for youth baseball: four at **Saratoga Park**, one at **Kingsley Park**, and one at **Essex Park**; and

two fields are available for youth softball at **Vernon Park**. She added there is a soccer field at **Saratoga Park**, however it is in need of repair due to unauthorized use by an adult league that damaged the turf. She further advised that **AYSO** had previously contracted with the City to utilize that field; however, due to new fields becoming available in surrounding cities and school sites, **AYSO** did not renew its contract with the City.

Human Services Director Richter stated that in 2004, the City entered into an agreement with **Ontario-Montclair School District (OMSD)** regarding the soccer field at **Montera Elementary School** because the City had received grant funding to install a soccer field at that location and it was a condition of the grant to enter into an agreement with **OMSD**. She noted the agreement's term was through 2010 and it was not renewed because the grant funding had ended. She further advised that the field is not available for reservation or rental because the field has not been upgraded to use recycled water.

Human Services Director Richter distributed a pamphlet from **OMSD** that includes information about fields that are available for use through **OMSD**. She noted that at this time, only fields that have been upgraded to use recycled water are available to be reserved or rented, and there are currently five schools in Montclair that allow field rentals. She further advised that when the City begins to update its General Plan later this year, the intent is to review green space areas and evaluate additional amenities to recommend for the parks.

B. City Attorney

City Attorney Robbins requested the City Council meet in closed session regarding the following matter:

1. Closed Session Pursuant to Government Code Section 54956.9(d)(1) Regarding Pending Litigation

Patton/Cunningham v. Montclair

C. City Manager/Executive Director

City Manager/Executive Director Starr provided an update on the funding status of the Montclair Segment of the **Gold Line Extension Project**, explaining that the **California State Transportation Agency (CalSTA)** has directed that the project be consolidated with **Phase 2B** and that **Metro Gold Line Foothill Extension Construction Authority (Metro)** remain the lead agency on the project for the Montclair Segment when applying for funding. He added this would increase the likelihood of receiving cap-and-trade funding for the project as it would combine the greenhouse gas emission reduction for the Montclair Segment with the entire **Phase 2B** reduction total. He advised **Metro** must submit a \$385 million application to **CalSTA** for the project, rather than the much lower estimates that were previously provided for the Montclair segment alone.

D. Mayor/Chairman

Mayor Eaton commented as follows:

1. He attended the Public Works Committee, **Inland Empire Utilities Agency** Policy Committee, and San Bernardino County City Selection Committee meetings; as well as board meetings for **Omnitrans**, **Metrolink**, **San Bernardino Associated Governments (SANBAG)**, and the **Southern California Association of Governments**.

2. He had a great time at the **Chamber of Commerce's** Murder Mystery Dinner.

E. City Council/Successor Agency Board/MHC Board/MHA Board/MCF Board

1. Council Member/Director Martinez commented as follows:
 - (a) She invited the community to attend the Easter Eggstravaganza event hosted by the Human Services Department on Saturday, March 26, 2016, from 9:00 to 11:00 a.m. She noted the pancake breakfast is \$3 and children can take pictures with the Easter Bunny for a small fee.
 - (b) She noted Montclair Youth Basketball sign-ups open on April 9, 2016.
2. Mayor Pro Tem/Vice Chairperson Raft commented as follows:
 - (a) She stated she was shocked to learn that **Kohls** will be closing 18 stores, and that Macy's will also be closing stores. She added the convenience of online shopping, especially around Christmas time to avoid the crowds, is having a negative impact on brick-and-mortar stores. She noted this seems to be the beginning of a new era and we may see more and more store closures.
 - (b) She reminded everyone to turn their clocks forward on March 13th for Daylight Saving Time.
3. Council Member/Director Dutrey commented as follows:
 - (a) He advised that he read an article in the *Inland Valley Daily Bulletin* discussing **SANBAG's** support of getting the **Gold Line** to the Montclair Transcenter, noting SANBAG has clearly changed its attitude since last year.
 - (b) Last Friday, he attended a seminar about the future of the **Ontario International Airport** at the Claremont Colleges, with a discussion led by Ontario Councilman **Alan D. Wapner**.
 - (c) He noted he went to **Montclair Place** last Saturday and saw that the **Pomona Valley Art Association** had rented out two spaces next to Nordstrom and was showcasing some art for sale. He encouraged residents to visit.
 - (d) He recognized Mr. David Allen for his column in the *Inland Valley Daily Bulletin* covering the former Déjà Vu location, which is now displaying a "For Sale/Lease" sign for the second floor. He noted he is uncertain whether the County would allow the owner to lease the second level or allow the sale of food, and requested that staff look into the matter.
 - (e) He stated that Applebee's has just completed an interior remodel, and that it looks great.
4. Council Member/Director Ruh commented as follows:
 - (a) He gave a rave review of the **Chamber of Commerce's** Murder Mystery dinner and encouraged those who missed the event to attend next year.
 - (b) He noted his attendance at the very successful **Gold Line** Duarte Station opening day last Saturday, stating many people enjoyed the free rides that were offered all day. He emphasized **Assemblymember Rodriguez's** part in advocating for bringing the Gold Line to Montclair, noting other politicians may try to take credit later on.

- (c) He advised an Oversight Board meeting will be held on Wednesday, March 9, 2016, at 6:00 p.m. in the City Council Chambers and encouraged those interested to attend.
- (d) He discussed in great depth the incredible impact former **First Lady Nancy Reagan** has had on politics, popular culture, and those close to her, noting he was extremely saddened to hear of her passing yesterday.

Mayor Eaton noted tonight's meeting would be adjourned in memory of former **First Lady Reagan**.

F. Committee Meeting Minutes

1. Minutes of Code Enforcement/Public Safety Committee Meeting of February 16, 2016

The City Council received and filed the minutes of the Code Enforcement/Public Safety Committee meeting of February 16, 2016, for informational purposes.

2. Minutes of Personnel Committee Meeting of February 16, 2016

The City Council received and filed the minutes of the Personnel Committee meeting of February 16, 2016, for informational purposes.

3. Minutes of Public Works Committee Meeting of February 18, 2016

The City Council received and filed the minutes of the Public Works Committee meeting of February 18, 2016, for informational purposes.

XII. ADJOURNMENT OF SUCCESSOR AGENCY, MONTCLAIR HOUSING CORPORATION BOARD OF DIRECTORS, MONTCLAIR HOUSING AUTHORITY COMMISSIONERS, AND MONTCLAIR COMMUNITY FOUNDATION BOARD OF DIRECTORS

At 7:45 p.m., Chairman Eaton adjourned the Successor Agency and Montclair Housing Corporation Boards of Directors, the Montclair Housing Authority Commissioners, and the Montclair Community Foundation Board of Directors.

At 7:47 p.m., the City Council went into Closed Session regarding pending litigation pursuant to Government Code Sections 54956.9(d)(1).

XIII. CLOSED SESSION ANNOUNCEMENTS

At 8:10 p.m., the City Council returned from Closed Session. Mayor Eaton announced the City Council met in Closed Session regarding real property negotiations; information was received and direction given to staff; and no further announcements would be made at this time.

XIV. ADJOURNMENT OF CITY COUNCIL

At 8:11 p.m., Mayor Eaton adjourned the City Council in memory of former **First Lady Nancy Reagan**.

Submitted for City Council/Successor Agency Board/Montclair Housing Corporation Board/Montclair Housing Authority Commissioners/Montclair Community Foundation Board approval,



Andrea M. Phillips
Deputy City Clerk